

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

August 6, 2013

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Jim Carlson, Mark Beggs, Karl Walters and Barbara Ball

Members Absent: Cecil Troutwine

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Knisley: Good evening ladies and gentlemen welcome to the August 6, 2013 Planning and Zoning Commission meeting we would like to call the meeting to order roll please, Director.

Mr. Tapp: Karl Walters?

Mr. Walters: Present.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: No answer.

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Barbara Ball?

Ms. Ball: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Present, thank you. I would like to have the motion to approve the July 2, 2013 Planning and Zoning minutes do I have a motion?

Mr. Beggs: Mr. Chairman I make a motion that we approve the July 2, 2013 Planning and Zoning Commission minutes as written.

Mr. Knisley: Thank you do I have a second?

Mr. Carlson: I'll second.

Mr. Knisley: Thank you, vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Barbara Ball?

Ms. Ball: Abstain.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Knisley?

Mr. Knisley: Approve.

Final Vote: 4/0/1 Approve July 2, 2013 Minutes

Mr. Knisley: Before you Commissioners we have our monthly report for July would like you to take a few moments just to look at it for comparison if you have any questions feel free to ask them or any comments.

- Mr. Carlson:** Would it be an issue to put the current this year and 2012 – 2013 as a comparison for the group?
- Mr. Tapp:** It should show up on the report, Jim but the previous year to date is on there on the right and the current year to date. Is that what you are requesting?
- Mr. Carlson:** No years.
- Mr. Tapp:** Oh to show the years.
- Mr. Knisley:** The years.
- Mr. Carlson:** I get it myself but I didn't (inaudible)
- Mr. Tapp:** That certainly is doable.
- Mr. Knisley:** I think that sounds like a good idea, thank you Jim. Being no further comments or questions we proceed here. We have one case this evening and the staff report will be included as part of the minutes. We are recording the meeting. We have case number one 115RZ/P this is a request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) with an Agricultural Land Preservation overlay district (ALP) and preliminary plat approval for the proposed subdivision of Lila Squire Sub-Division located at approximately 19509 Burris Road. The applicant is Sabra A. Brelsford representing the Lila Lee Squire Revocable Trust. Do we have a staff report please?
- Mr. Tapp:** Yes Mr. Chairman. May I first attach the staff report as part of the record?
- Mr. Knisley:** So be it.
- Mr. Tapp:** Summarized the staff report August 13-115RZ/P dated June 28, 2013.
- Mr. Knisley:** Thank you Director, will the applicant please come up and state your name for the record.
- Ms. Brelsford:** Sabra Brelsford.
- Mr. Knisley:** Thank you, have you read and dealt with the staff and you are in agreement with the staff report?
- Ms. Brelsford:** Yes.
- Mr. Knisley:** Do you have any questions or comments?
- Ms. Brelsford:** No they were very explicate, explained everything to me so I understand what is going on.
- Mr. Knisley:** Very well, are there comments or questions to the applicant from the Commission? Being none do I have a motion to approve the rezoning from agricultural to ...
- Mr. Beggs:** Mr. Chairman I've got a question just the Agricultural Land Preservation overlay district what are the conditions of that, what are we trying to, what is the end result of that overlay?
- Mr. Tapp:** Well first and foremost it's from our Comprehensive Plan and our Land Development Code and we would be happy to get the Commissioners, point them in the right section of the code but the ALP or Agricultural Land Preservation ties back to our Comprehensive Plan back in 2008, the general direction from the comp plan was 20 acre minimum lot sizes per lot for future sub-divisions with exceptions. One of those exceptions is to preserve 50 percent of the sub-divided parcel in a AG deed restriction, so what we did instead of making it hard in the title work and hard on the final plat, recorded plat, it's actually just an overlay district that we maintain and keep track of inside our department and so the ALP is intended so that in the comp plan and the Land Development Code gives you specifics of how you are going to achieve that, what you are supposed to do, when, where. The ALP is supposed to be 50 percent of the lot, so in this particular case let's say its 5 acres per lot, well at least two and a half acres will always be kept in ALP unless the applicant owners request a rezoning to remove the overlay district on top of the base zoning. So the base zoning is R-5 or will be and then the ALP rests on top of that and that will show us which part of 50 percent of the lot that is to be preserved.
- Mr. Beggs:** As AG.
- Mr. Tapp:** As open, no man-made structures can be built in that area.
- Mr. Beggs:** Okay.
- Mr. Tapp:** So any trees even cropping there are things you can do inside that area. But it is intended to conserve agricultural land.
- Mr. Beggs:** Okay.
- Mr. Knisley:** As I stated do I have a motion for the approval for the rezoning from Agricultural to Residential Ranchette with the Land Preservation overlay, do I have a motion for that?

Mr. Beggs: Yes, Mr. Chairman I'll make a motion that we approve the rezoning from Agricultural (AG) district to Residential Ranchette (R-5) with an Agricultural Land Preservation overlay district.

Mr. Knisley: Thank you; do I have a second please?

Ms. Ball: Second.

Mr. Knisley: Thank you, vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Barbara Ball?

Ms. Ball: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Knisley?

Mr. Knisley: Approve.

Final Vote: 5/0/0 Approve Rezoning August 13-115RZ/P; Lila Squire Sub-Division

Mr. Knisley: We will proceed to the preliminary plat approval of Lila Squire Sub-Division, with the following conditions; do I have a motion to approve?

Mr. Beggs: Yes, Mr. Chairman I will make a motion that we approve the preliminary plat of Lila Squire Sub-Division with the conditions listed in Exhibit A.

Mr. Knisley: Thank you; do I have a second?

Ms. Ball: Second.

Mr. Knisley: Thank you; vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Barbara Ball?

Ms. Ball: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approved with conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approved with conditions.

**Final Vote: 5/0/0 Approve Preliminary Plat August 13-115RZ/P; Lila Squire Sub-Division
With One (1) Condition**

Mr. Knisley: Thank you and good luck to you.

Ms. Brelsford: Thank you.

Mr. Tapp: Did you discuss the County Commission Meeting? Did you tell them when County Commission is?

Mr. Knisley: Ma'am I am sorry if you'll, the schedule for the County meeting is August 19th at 1:30 here so if you...

Ms. Brelsford: Yes I've already taken of work for it. I already told them.

Mr. Tapp: It is subject to change, we don't have that solidified just a 100% with the County Commission if that changes we will definitely let you know.

Ms. Brelsford: I'm going to be really sick if it... no .

Mr. Tapp: I'm sure you wouldn't mind, but we will let you know.

Ms. Brelsford: No they'll work with me. Okay thank you very much.

Mr. Knisley: Thank you folks.

Mr. Tapp: Thank you Chairman.

Mr. Knisley: Alright, is there any other business Director? Any comments?

Mr. Tapp: There is none.

Mr. Knisley: Fine, thank you. Any comments from the Commission? Counselor?

Mr. Flook: No comments, I have been working on an answer to a question you had.

Mr. Knisley: Oh, good.

Mr. Flook: Which I am willing to mention to everybody here, it might come up, about what might be ahead of us if the County were to have the Constitutional Charter or Charter whichever the case would be down the road, just in terms on how does that effect Planning and Zoning and keeping with the programming, do we have to do something different. I've done some preliminary research on it, I need to go further with this, I might stop from saying the case before you left for the day, I don't know, but I found a case example back to the fifties an early case right after St. Charles County went to a Charter and it was like from earlier research looks like that the powers of Planning and Zoning can actually be expanded from what they are in Chapter 64 as long as we stay within the Constitutional limitations, so the Constitution or the Charter could have expanded powers over what Chapter 64 has. It could change the procedures for adopting regulations, change the appeal procedures in some standards, and do all kinds of things. As long as you meet the minimum Constitutional requirements property rights and due process and those types of things, it would be a larger grand power of the Constitution if the County is adopting Constitution for the Charter and so in that respect looks like we could actually start addressing some things outside of Chapter 64. Which I have an idea you can do that right now, I haven't researched any before. In any event though it's kind in my early research indicates it looks like, and it was an interesting point of the case I copied over to Matt was that you can adopt the current system into the new Charter or the new Constitution whichever the case is, you can actually adopt your existing system, you can adopt the existing regulations, you can adopt your existing procedure, you can make yourselves subject, for example, statutory acceptance which you presently follow. Charter can say we are going to continue to follow statutes and we'll pass an ordinance saying that we are adopting these statutes and everything shall be done accordance to this chapter. So we can literally not change a thing and have just legally established as it is now. I will do some more research on that to make sure I have complete understanding when the time draws near where that stuff is going to become more pronounced and there might be a vote, but anyway so as I am looking at it if anybody has any questions feel free to call me. As I'm learning I'm going to be feeding it to Matt, as quickly as I learn things I will be telling him so hopefully between the two of us we can get answers to questions. That's it.

Mr. Tapp: So basically the two options are change nothing or we could change everything.

Mr. Flook: Or just parts.

Mr. Tapp: Or portions of 64.

Mr. Flook: And you might have a view that you like how the process works now if you think there is something in the process should be revisited or actually thought about now is a good time to rise it because the Commission could actually entertain that and write it into the proposed Constitution. They did the Constitution first?

Mr. Tapp: Yes.

Mr. Flook: So they could put it in the proposed County Constitution, but it is like anything else. Make a change there will be contention on to it.

Mr. Knisley: You are right Tim.

Mr. Flook: And some of the proponents of that Constitution it wasn't so much about Planning and Zoning as it was other things so I don't know Gene I haven't been following the Commission real close.

Mr. Knisley: We talked about it after I talked to Matt, and we left it neutral. Just the way it is now so the new Commission as it develops they can work with Matt and they can make... leave it open so that's the way we felt would be the best. Then there's no controversy over what's going on because there'll be so many things changing because of the upgrade of this County and the future of it. So thank you Tim, I appreciate your input. But we finalized it last week and signed off on it and you can find a copy of it, I think its claycountyconstitution.net. I think it is.

Mr. Flook: I will go take a look at it.

Mr. Knisley: You all are welcome to go take a look, it's pretty interesting. I think it's got a lot ... it's time for the change and it's good for the County.

Mr. Flook: The upside is about keeping the status quo is that all the existing case law that applies to the statutes you can find. It's a known commodity and when you try to do something more creative and get away from it unless you are going to something that is also been tested in courts it will open the door up. So it's that type of change, that is one of those type changes. It's probably best if somebody was researching like a model code for a County Charter that they got from an association County or National information for and really thought that out. It's a product of different, kind where Planning and Zoning Directors are hashing it all out. You probably, I think maybe made a wise choice.

Mr. Knisley: I think we did. Any other comments from the Commission? I like this Commission, 20 minute meetings, I like these. No other comments do I have a motion to adjourn?

Mr. Carlson: I'll make a motion to adjourn.

Mr. Beggs: Second.

Mr. Knisley: Motion to adjourn and seconded and everybody say "aye".

All: Aye.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary